

The Salisbury Planning Board held its regular meeting on Tuesday, July 9, 2002, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Sean Reid, Len Clark, Rodney Queen, Eldridge Williams, Jerry Wilkes, Sandy Reitz, Lou Manning, Elaine Stiller, Jeff Smith, Ken Mowery, Brian Miller

ABSENT: Fred Dula

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Vice Chairman Reid. The minutes of June 25, 2002, were approved as published.

ZONING MAP AMENDMENTS

Z-11-02 Parkdale Mills, Inc., U. S. 29, Cottage Street, Guffy Street, Hedge Street

Location: Two small lots on either side of Hedge Street at its intersection with U. S. 29 (South Main Street)

Size: Approximately 1.1 acres

Existing Zoning: B-6 General Business

Proposed Zoning: B-7 Limited Business

Location: Two areas along Cottage Street—one at the intersection of Cottage and Rowan Mills Road and the other at Cottage and Guffy streets

Size: Approximately 7.5 acres (both sites)

Existing Zoning: Both areas now zoned R-6 Two Family-6 Residential

Proposed Zoning: B-1 Office Institutional

Location: A large tract of land located between Red Acres Road and the unopened right-of-way of Timber Street

Size: Approximately 48 acres

Existing Zoning: R-8 Single Family-8 Residential, R-6 Two Family-6 Residential, and R-6A Multi-Family Residential

Proposed Zoning: M-1 Light Industrial

(a) Vice Chairman Reid convened a courtesy hearing on Z-11-02.

Those speaking in favor of the zoning change request:

John Sarn, Director of Real Estate for Parkdale Mills – the mill property has a hodge-podge of zoning and the aim is to make zoning consistent with proposed uses they have in mind for the property; long-term plans are to develop their property, which stretches from U. S. 29 to the airport, as an industrial/business park; foresees uses for offices and some limited commercial along U. S. 29 and distribution and light manufacturing for the areas running back to the airport; two hundred to four hundred feet adjacent to the residentially zoned properties (unopened Timber Street) will probably not be touched due to stream and a sewer line which runs behind the existing houses.

Dr. Billy Ray Huffman, pastor of Parkdale Baptist Church – this will really help the residents of the neighborhood

Those speaking in opposition to the zoning change request:
None

The Vice Chairman closed the courtesy hearing on this case.

- (b) Board Discussion:
Rodney Queen – There is no opposition and could open the area for development.
Ken Mowery – This appears to be a very good plan.

Senior Planner Poole recommended that the proposed B-1 area along Cottage Street be extended across the proposed extension of Hedge Street to connect with an existing B-1 area which would make for a better zoning plan rather than having a small portion of M-1 between the two B-1 areas.

Rodney Queen moved to recommend all the rezonings as proposed and to extend the B-1 line across the proposed Hedge Street to tie into the existing B-1 area. The motion was seconded by Ken Mowery with all members voting AYE.

Z-12-02 Salisbury Planning Board, Wilson Road Area, Phase 2

Location: Area A – bounded by Wilson Road, Locke Street, Torrence Street and Old Plank Road

Size: Approximately 6.3 acres

Existing Zoning: R-6A Multi-Family Residential

Proposed Zoning: SFC Single Family Conservation

Location: Area B – bounded by Wilson Road, Taylor Street, Caldwell Street, Thomas Street and West Street

Size: Approximately 16.7 acres

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: B-1 Office Institutional

Location: Area B – located off Old Plank Road and West Thomas Street (property belonging to Hood Theological Seminary)

Size: Approximately 1.8 acres

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: CU College and University

Location: Area B – back corner of a piece of property along Wilson Road (adjustment of zoning line with property line)

Size: Approximately 10,100 square feet

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: R-6A Multi-Family Residential

Location: Area B – rear portion of three lots fronting on Locke Street (adjustment of zoning line with property line)
Size: Approximately 8,900 square feet
Existing Zoning: R-6A Multi-Family Residential
Proposed Zoning: R-6 Two Family Residential

These proposed rezonings come from a Planning Board committee which has been studying the area for the past several months.

Area A, proposed for rezoning to SFC Single Family Conservation, is currently zoned R-6A Multi-Family Residential with the exception of three lots which City Council recently rezoned to SFC. There are several vacant lots in this area with the potential for development. The existing R-6A zoning allows for apartments, duplexes, and single family residences. The SFC allows single family residences but it does not allow for new duplexes or new apartments to be built. The committee saw plenty of rental units in the area and has also heard from some of the residents that there are plenty of rental units and apartments in that area at the present time and in the future would like to see development primarily of single family owner-occupied dwellings, if possible. The committee felt the SFC zoning would help accomplish this in the future and would help to maximize the potential for single family development due to its 50-foot lot width requirement.

(a) Vice Chairman Reid convened a courtesy hearing on Z-12-02.

Those speaking in favor of the zoning change request:

Dr. Windsor Eagle, 217 Windsor Drive, speaking on behalf of Salisbury High School – encourages the Board to adopt this rezoning; stability in the area of Livingstone College and Salisbury High School is critical and the more multi-family dwellings that are allowed to be constructed adds to the instability of the area; there are several rental properties that are not full and sees no need for more rental units.

Shirley Johnson, 610 South Craige Street – interested in seeing more stability in the area; has seen changes which have taken place over the years; allowing more single family housing in the area will bring more stability

Those speaking in opposition of the zoning change request:

Melvin Rush, West Monroe Street – concerned that the property owners will not develop the property with single family houses and this might be depriving people of housing that is sorely needed in the community; that area has undergone quite a metamorphosis within the last year or so; while we're concerned about a stable neighborhood, we also need to be concerned whether there are ulterior motives in displacing people so that certain things can take place that are desired relative to the high school; this property has been existing as it has for years and no one has seen fit to develop it for single family; if the present zoning hasn't caused any disruption in terms of stability all of this time, wonders what is going to happen that this rezoning needs to be done now to bring in so-called stability to the neighborhood when the neighborhood hasn't changed in the last 30 years.

The Vice Chairman closed the courtesy hearing for Area A of this case.

(b) Board Discussion:

Rodney Queen who served as chairman of the committee which is making the proposed zoning changes for the area – the committee met with people who live in the area and who own property in the area; there are a number of lots which people do not particularly care to build on because of the environment of the neighborhood; this area offers a lot of potential, especially for the first-time homeowner; what prompted the study was a proposal by an individual to build a multi-unit apartment building which generated a lot of neighborhood opposition; there hasn't been a lot of activity in the Wilson Road area over the years and there needs to be some positive activity in the area; we need to clean up around Livingstone College as well as around the high school to make it a safer environment.

Jeff Smith – thinks this is good for the neighborhood; understands the need for multi-family housing; the Board has heard very loudly from the neighborhood that they are not interested in multi-family housing in this particular area.

Mr. Queen then moved to recommend the rezoning of Area A from R-6A to SFC as proposed. The motion was seconded by Lou Manning with all members voting AYE.

Area B is made up of four areas. The first area is property owned by the Salisbury-Rowan school system, now zoned R-6 Two Family Residential, and adjacent to Salisbury High School. The high school property is zoned B-1 Office Institutional. It is the committee's recommendation that all of the high school property be zoned the same in order to be consistent with B-1 zoning for most of the other schools in the Salisbury area. The second area is adjacent to the main campus of Livingstone College. Hood Theological Seminary is located on the property proposed for rezoning to CU and needs to be in the same zoning classification as the remainder of the college campus. The third and fourth areas are proposed for rezoning to straighten out the zoning lines to follow property lines rather than splitting the properties.

Those speaking in favor of the zoning change request:

None

Those speaking in opposition to the zoning change request:

None

The Vice Chairman closed the courtesy hearing for Area B of this case.

(b) Board Discussion:

Rodney Queen moved to recommend rezoning all the areas in Area B as proposed. The motion was seconded by Brian Miller, with all members voting AYE.

GROUP DEVELOPMENTS

G-2-98 Carillon Assisted Living, 1915 Mooresville Highway

An application has been submitted for the addition of 18 residential units, dining area and accessory structure to the existing assisted living facility. The Technical Review Committee recommends approval as submitted. On a motion by Jeff Smith, seconded by Rodney Queen, with all members voting AYE, the site plan was recommended for approval.

G-5-79 Food Lion, Inc. (The Westland Center), 525 Jake Alexander Blvd. West

An application has been submitted for the relocation of an existing automated teller machine and the addition of parking spaces at the center. This development is surrounded on two sides by undeveloped property. That property is zoned B-7 which would allow for another shopping center, a strip mall, etc. Any development on this property will come before both the Planning Board and City Council for approval. The Technical Review Committee felt that connectivity should be established at this point at The Westland Center to the adjacent property. The Technical Review Committee is recommending approval of the site plan as submitted, nothing that a recommendation has been made to show driveway connection easements to the adjacent properties. The driveway connection easement is not a requirement of the ordinance, but a recommendation from the Technical Review Committee.

Jay Dees, 121 East Kerr Street, attorney representing the property owner, objected to the connectivity easement. What staff has requested the property owner to do in granting cross easements amounts to a request for the property owner to give up a valuable property right. Although we know who now owns the adjacent property, we don't know who the future owners of the adjacent properties will be nor would we know what kind of development would go on the property. If a subsequent property owner would like to have a cross easement, negotiations could be held between the property owners which could alleviate any concerns they might have. This is not an ordinance requirement, but a wish list item by staff. There is also the safety issue. The only reasonable access for the adjacent property owner would be an extension of the present vehicular travel lane. Pedestrians must cross this travel lane to enter the grocery store. If the connection is made to the adjacent property, this travel lane could become a cut-through from N. C. 150 to the new development. Any new development on the adjacent property would be permitted a curb cut off Jake Alexander Boulevard, and he doesn't see how an easement would fulfill any future requirements for development of the adjacent property. All requirements have been met for the proposed changes to the site plan. It makes it increasingly difficult for developers when new requirements keep being added, such as the new Salisbury 2020 Plan. Because of the uncertainty of the future development of the adjacent property and the vehicle/pedestrian conflict, he is requesting that the site plan be approved without the additional request for the cross easements.

Rodney Queen – Agrees that any connectivity would increase the chance of people using it as a shortcut from N. C. 150. In favor of connectivity, but not in favor when it could cause congestion and create potential pedestrian problems.

Ken Mowery – In favor of connectivity but not certain that this is the time for this property. We will see the group development site plan for anything that develops around this property. This may not be the best place for an easement when it does develop.

Len Clark – This is one of the most congested parking lots in the city and to put in an easement where you might double the amount of traffic going through there would be a wrong decision.

Jeff Smith – Agrees and moved to recommend approval of the site plan as submitted without the connectivity. The motion was seconded by Rodney Queen with all members voting AYE except Eldridge Williams who voted NAY. The motion carried.

SPECIAL USE PERMIT

A request for a special use permit has been received from Khaled H. Idries to reestablish a convenience store at 425 Lincolnton Road, owned by Wallace Realty Company. This property was an existing convenience store and has been closed since January 16, 2001.

Development Services Director Hubert Furr informed the Board that the zoning ordinance was changed to only allow convenience stores in the B-CS district as a special use permit, and the special use permit has to have a recommendation from the Planning Board, with final approval given by City Council.

Senior Planner Poole indicated that the B-CS district permits convenience stores, with the issuance of a special use permit, as well as neighborhood grocery stores with the prohibition of the sale or use of alcoholic beverages. The question of the sale of alcoholic beverages at this location has been discussed. If this store were to be used without the sale of alcoholic beverages, there would be no need for this hearing. After the courtesy hearing for public comments, Mr. Poole felt it would be preferable to refer this matter to a committee and talk more about the issues at hand. The Planning Board cannot say they will approve a convenience store, but certain products cannot be sold. The City Attorney has indicated this cannot be done. A committee could make it clear to Planning Board and City Council its feelings about this business and what it feels would be best for the city.

Mr. Khaled Idries – The previous store had been opened for a number of years. Has asked people in the neighborhood if they minded his reopening the store. He feels the neighborhood doesn't mind the reopening. There is another convenience store in the area that sells alcoholic beverages. This area is like a ghost town with a lot of "For Sale" or "For Lease" signs.

Norde Wilson, 501 Maupin Avenue – A convenience store, per se, doesn't negatively impact a neighborhood. His family owns properties east of the high school and directly across from the convenience store. Has worked a number of years to make this a good respectable neighborhood and to put people in the houses that respected their neighbors. The biggest problem for the neighborhood is the convenience store across the street. The convenience store becomes a beer and wine store through no fault of the store owners, but from elements that are not from the neighborhood. Recent trouble at the store was caused by people who weren't from anywhere around the neighborhood. The convenience store seems to attract the elements that are not conducive to a good neighborhood. Most of the problems occur at night. Drug trade sets up on the corner after dark. It is also a gathering place for the high school kids. There have been several store owners, and they all suffered the same fate in that the store was nothing but a problem for the neighborhood. Someone has to be hired to pick up trash and beer bottles that's left along Caldwell Street. The neighborhood does not have an undesirable character—that convenience store had the undesirable character. It has been a very pleasant neighborhood since the store was closed. The owners stood in front of City Council and said that store would never

again be used as a convenience store. We need to protect the high school as well as the people who live in the neighborhood. Most people in the neighborhood shop at the local grocery stores and not at the convenience store. Has had to construct an intricate set of fences between the houses to keep the people at nighttime from walking between the houses, knocking out windows, peering in the windows, and throwing their trash in the backyards.

Loretta Flora, 427 Lincolnton Road (the house behind the convenience store) – Has never seen this store do anything positive for the neighborhood. Based on its history, can't see it being anything positive. It is very detrimental to Salisbury High School.

Diane Dillon, Executive Director of Historic Salisbury Foundation – Has had two properties for sale almost 3½ years across from the parking lot that abuts this building as part of their neighborhood revitalization program. The comments they get from potential buyers are that they don't mind the gas station or the other stores along Fulton Street. They all question the convenience store. A restaurant, pizza parlor, or a real neighborhood grocery store would not be objectionable to the neighborhood. There are a lot of older people in the neighborhood that could walk to a little neighborhood grocery store. The problem come in when there is alcohol so readily available.

Leo Wallace, property owner – Told Mr. Idries that the site would be fine for a grocery store, but if he wanted a convenience store where he would sell alcoholic beverages, he would have to go to the city and get their permission. That's why we're at this meeting now.

Board Discussion

Jeff Smith – If we're serious about protecting this neighborhood and making it a safe place for educating our children, we cannot allow a convenience store to open back up in that location and will not support it. There are many other options in B-CS that are suitable. There's a reason why there's a special use permit on convenience stores.

Mr. Poole again commented on the need for this issue to go to a committee. A committee's thought process is more concentrated and they can talk about the various issues involved. The most important issue is the alcoholic beverages, but also as has been mentioned, there is a range of options for this property. He wants the recommendation that goes to City Council to have reasons rather than just a plain yes or no.

Sandy Reitz moved to send the matter to a committee. The motion was seconded by Eldridge Williams.

Rodney Queen – Doesn't think a committee would recommend a convenience store but it could open up some doors for something positive at that location.

Eldridge Williams – We've got a piece of property that's sitting there and we have an opportunity to come up with some options. He lives in the neighborhood and doesn't want to see a convenience store there. But we need to explore the options, and a committee is the place to explore these options with an individual that wants to move into the building.

Jeff Smith – Denying the special use permit today does not stop anything from happening to that property. Our job as a Planning Board is to make a decision on the special use permit. While we all want to do something in that area and make it positive, that's between the neighborhood, the property owner and the person who wants to buy the property.

Elaine Stiller, Eldridge Williams, Jerry Wilkes and Sean Reid voted in favor of sending the issue to a committee. Lou Manning, Jeff Smith, Ken Mowery, Len Clark, Rodney Queen, Brian Miller and Sandy Reitz voted against the motion. The motion was denied.

Jeff Smith then moved to recommend denying the request for a special use permit. The motion was seconded by Ken Mowery with all members voting AYE except Jerry Wilkes who voted NAY. The motion carried. This is not the proper place for a convenience store. All other possibilities for the use of this property are listed in the ordinance.

COMMITTEE REPORTS

Committee 1 – Elaine Stiller gave a status report on the committee's work on additional permitted uses in the B-5 Central Business District. A copy of the committee's report was distributed to Board members. The committee looked at a number of uses not presently allowed in the B-5 Central Business District to determine if they should be permitted uses and why. The report lists the uses discussed by the committee along with their recommendation. It was the general consensus of the Board to study the listing and take action on the committee's recommendation at another meeting.

NEW COMMITTEE ASSIGNMENTS

Sidewalks around cul-de-sacs – Jeff Smith, chair; Rodney Queen, Brian Miller, Ken Mowery

Duplexes in SFC Single Family Conservation District – Ken Mowery, chair; Brian Miller, Len Clark

There being no further business to come before the Board, the meeting was adjourned.

Vice Chairman

Secretary